

WILLKIE FARR & GALLAGHER LLP

787 Seventh Avenue
New York, NY 10019-6099
Tel: 212 728 8000
Fax: 212 728 8111

July 16, 2024

VIA ECF

Hon. Sean H. Lane
United States Bankruptcy Court for the Southern District of New York
300 Quarropas Street
White Plains, NY 10601

Re: In re Rudolph W. Giuliani, No. 23-12055-SHL

Dear Judge Lane:

Consistent with this Court's *Memorandum of Decision*, on July 12, 2024, creditors and parties-in-interest Ruby Freeman and Wandrea' ArShaye Moss (the "Freeman Plaintiffs") filed a proposed form of order to dismiss the above referenced chapter 11 case. *See* Docket No. 290. In response to that pleading, the Debtor filed a letter dated July 15, 2024 and attached an accompanying counter-proposed order (the "Counter-Proposal"). *See* Docket No. 295. The Freeman Plaintiffs now respectfully submit this letter in response to the Counter-Proposal.

The Freeman Plaintiffs' initial proposed order was the result of conversations among the Official Committee of Unsecured Creditors (the "Committee"), the Debtor, and Global Data Risk LLC ("GDR"). As the Court will recall, at the July 10 status conference, counsel to Debtor informed the Court that the Debtor did not have \$400,000 in cash to cover the estimated fees and expenses incurred by GDR over the course of the chapter 11 case. *See* July 10, 2024 Hr'g Tr. 48:11-12. To address this issue, the Freeman Plaintiffs' proposed order contemplated payment of GDR's approved fees and expenses through a combination of available cash assets and proceeds of a supervised sale of the Debtor's New York City apartment. The Debtor's Counter-Proposal retreats entirely from that framework by (a) not putting *any* liquid estate assets on the table, and (b) not ensuring the sale of less-liquid estate assets such as the Debtor's New York City apartment. Instead, the Counter-Proposal simply agrees to give GDR a lien on the Debtor's New York City apartment and is presented without assurances that Mr. Giuliani will continue to pursue that sale post-dismissal.

In an effort to resolve this matter consensually, we conferred with Mr. Giuliani's counsel. Following those conversations and after reviewing the Counter-Proposal, we are even more concerned that Mr. Giuliani has more shenanigans up his sleeve. As a result, the Freeman Plaintiffs hereby propose a further revised form of order which takes into account the fact that (a) the New York City apartment does not appear close to being sold despite being on and off the market over the past year, and (b) Mr. Giuliani seems keen to avoid paying the freight he incurred by filing a voluntary bankruptcy petition.

Indeed, Mr. Giuliani's approach to this matter underscores why the Debtor should be given no deference in determining which estate asset(s) should potentially be subject to liquidation to ensure relatively quick payment of GDR's fees. Given the Debtor's refusal to agree to a resolution, including one that would make liquid estate assets available to satisfy approved administrative expenses, the Freeman Plaintiffs respectfully submit a revised proposed order of dismissal, attached to this letter as **Exhibit A** (the "Revised Proposed Dismissal Order"). Attached as **Exhibit B** is a blackline showing the Revised Proposed Dismissal Order marked against the order filed by the Freeman Plaintiffs at Docket Number 290. The Committee supports the Revised Proposed Dismissal Order.

Dated: July 16, 2024
New York, New York

/s/ Rachel C. Strickland
Rachel C. Strickland
WILLKIE FARR & GALLAGHER LLP
787 Seventh Avenue
New York, NY 10019
(212) 728-8000
rstrickland@willkie.com

*Counsel for Ruby Freeman & Wandrea'
ArShaye Moss*